



February 4, 2021

Dr. Tala Henry
Environmental Protection Agency
1201 Constitution Avenue, NW
Washington, DC 20004
Henry.Tala@epa.gov

Re: TSCA Section 4 Test Orders

Dear Tala:

As you requested at our February 1 meeting, I am providing ACC's written request for two urgent procedural or operational changes to the TSCA Section 4 Test Order effort EPA initiated on January 15, 2021. We are requesting that these changes be adopted immediately and apply to the nine current Test Orders, and to any future Test Orders issued by the agency under its TSCA Section 4 authority. While there are other broad issues ACC believes require the agency's attention, we will pursue them in separate written communication. In addition, each consortia and individual companies responding to each Test Order have specific requests and questions that are not detailed in this correspondence.

Length of Time for Initial Response Extended

ACC requests that companies/consortia be provided 90 calendar days to respond to EPA's TSCA Section 4 Test Orders. Forty-five days is not a sufficient length of time for chemical companies and potential consortia to undertake the discussions and analyses necessary to explore and form consortia to respond to a Test Order.

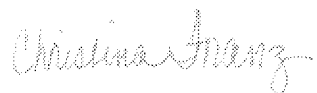
EPA should not conclude that consortia that formed in order to pay TSCA Section 6 risk evaluation fees are necessarily the same consortia members that would respond to a TSCA Section 4 Test Order. In some cases, the consortia membership may change, as well as the terms under which the consortia members wish to engage in the consortia itself.

EPA Designated Point of Contact

The Test Orders issued provide that communications between industry respondents to the Test Orders should be conducted via documents submitted through EPA's Central Data Exchange (CDX). While EPA may view the CDX as a desirable method for information submissions in many circumstances, the terms and requirements identified in the Test Orders are ones which are certain to require discussion between EPA and each consortia and, in some instances, a consortia's individual members. Each Test Order should identify a designated EPA contact from the Data Gathering and Analysis Division with the requisite knowledge and authority to discuss and negotiate the scientific and technical requirements of the Test Order for each chemistry. That designated EPA contact should be prepared to communicate with company/consortia representatives directly outside the CDX system.

Please let me know if you have any questions.

Sincerely,



Christina Franz
Senior Director, Regulatory & Technical Affairs

Cc: David Widawsky
David Turk
Mark Hartman

